

UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF NEW YORK  
 CLERK  
 U.S. BANKRUPTCY COURT  
 EASTERN DISTRICT OF  
 NEW YORK

Florence F Smith

Case No. 21-40578

Chapter: 11 Subchapter V

Debtor

Dated: March 9, 2021

2021 MAR 11 A 8:14

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Re: New Case Chapter 11 Subchapter V  
 Small Business Debtor Reorganization  
 With Petition for Relief up to \$7,500,000  
 U.S.C §1182(1) creditor rejects all offers  
 in Case Index No 1-19-40962.

The debtor is entitled to use **The New Small Business** Reorganization Act (SBRA) February 19, 2019 that went into law August 23, 2020. And wishes to Amend Case Index Number 1-19-40962 to Include SBRA with the Request to Include Extension of time, beyond 90 days after the bankruptcy filing, and the debtor does not need to file a separate disclosure statement; but the plan must set out a history of the debtor's operations, a liquidations analysis and a feasible analysis; 11 USC § 1189 (b).

**On Court hearing date March 9, 2021 at 10:30 AM** constituted that **Case Index No 1-19-40962** The Honorable Judge, Nancy Hershey Lord stated "based on procedural judge's discretion, will discontinue **case index number 1-19-40962**. Because a judge can only have one (1) case for the same individual; **and will keep the new case index no 21-40578 that offer more latitude for the debtor**, than the old Case Index No 1-19-40962."

The history of the debtor's operations began in the year 2013 and continued into the year 2021 and the month February and the year 2021. The biggest challenge in the repayment of the loan is that the creditor (Shay Krausz aka SHK Sales, Alan J Waintraub, Esq as Jemcap Funding LLC and Bradley Marsh as Jemcap Funding LLC) want to be paid a specific amount beyond a fair offer of \$1,750,000, making the case impossible to settle. This petition is for Relief up to \$7,500,000 U.S.C §1182(1) creditor rejects all offers in Case Index No 1-19-40962 and in previous offers inside and outside of (The Brooklyn Supreme Court, County of Kings, State of New York). The debtor (Florence F Smith) has two (2) sources of income; and possible a third (3<sup>rd</sup>) pension and social security in the projected near month of April 2021.

- a. Income from rental as a second income; and Income from cleaning and home improvement as a first form of income.

The income from rental can be verified under the debtor (Florence F Smith) normal social security number ending in 5999 for the year 2018, 2019 and 2020

- b. The income from small business can be verified as \$200.00 + (Integrity Enterprises for cleaning (home and offices).
- c. Income from Florence Francella Smith Home Improvement Contractor cannot be verified for the year 2018 and 2019 and 2020. Because the debtor (Florence F Smith) did operate the business as Home Improvement, and no income was generated as per tax preparation report.

The Debtor (Florence F Smith) Cares Act Small Business Plan of Reorganization adopted for the year 2021 through the year 2025:

1. 1. Work with other Home Improvement Contractors to generate work on a monthly basis from construction cleaning to home improvement to provide a more secure form of stable income.
2. Ask the court to **grant an order**, that the creditor (**Shay Krausz aka SHK Sales, and Alan J Waintraub, Esq as Jemcap Funding LLC, and Bradley Marsh as Jemcap Funding LLC**) cease and desist sending mail to the tenants of the debtor (Florence F Smith) properties. So that the once generated stable income from rentals (**\$9,000 to \$12,000**) can return repay property taxes, water and sewer, for properties known as (127 Montrose Avenue, 168 Patchen Avenue, and 170 Patchen Avenue) located in the County of Kings and the State of New York.
3. The debtor (Florence F Smith) **had spoken to different banks** about refinance. **All banks require a stable income for at least two (2) years or more.** Currently due to the creditor (Alan J Waintraub, Esq as Jemcap Funding LLC et al) **spoilage** of the debtor (Florence F Smith) **tenancy retention rental income ("NOTICE TO TENANTS PROPERTIES IN FORECLOSURE")**. The debtor (Florence F Smith) tenancy and rental income depleted from \$12,000 potential Monthly March 2017 rental income through August 2020 to \$4,008.00 rental income, and continuing into the month of March 2021. **The debtor (Florence F Smith) plan of reorganization in tenancy and rental income are (1) employ a Landlord and tenant court lawyer (Alero Mayor Esq) for tenant eviction procedures at \$1,500 for each apartment, where tenants have arrears in rent; and landlord is unable to evict tenants based on Mayoral Orders and new court procedural frame.** Currently there are three (3) to four (4) tenants that need to vacate the apartment for better tenants; including there are apartment (s) that need repair, to effect apartment (s) ready for rent with financial stability for profit; to help repay the loan of \$1,000,000 or less; through loan forgiveness application.

**The debtor (Florence F Smith) feasible analysis include the month of April 2021**, wherein the debtor (Florence F Smith) will have additional financial support such as her own Social Security income and Pension Income, and would decrease the amount of money the debtor would have to take away from business income and rental income; that was used in the past months and years (March 2017 through March 2021) to address personal need and financial matters of the debtor (Florence F Smith).

**The debtor husband R.A Smith** that have left the family structure from the year 2015 and was unwilling to help in any financial matters; have for whatever purpose wants to assist the debtor (Florence F Smith) in employment in Home Improvement business to generate funds to repay the loan of no more than \$1,100,000.00 **This is the debtor (Florence F Smith) plan of reorganization.**

**The debtor (Florence F Smith)** believes in a broader spectrum of income to repay **ONLY \$1,00,000.00** loan, and to apply the application of loan forgiveness under Federal Rules Cares Act Small Business Administration (SBA) that certifies its need and eligibility for loan monies, a small business could receive up to \$10 million in potentially forgivable loans; and cover rent obligations, and covered utility payments. 15 U.S.C §9005(b).

**The loan that led \$19,000 property tax possible tax lien from the**  
 New York City Department of Finance in the Month of May 2015. **Became an unexpected loan of \$500,000 never intended to be borrowed** by the debtor (Florence F Smith) ended as a loan for \$500,000 borrowed from creditor (Damion Mills and Bijan Nassi) May 8, 2015. **Led into an undisclosed creditor intention to affix as properties collaterals** as loan repayment without the debtor (Florence F Smith) permission or knowledge. **Led on June 12, 2015 into a bigger undisclosed creditor personal loan initiative** ("I see someone is trying to suck out the equity out of your building, I can lend you \$1,100,000 to pay off the default judgment, and in one year you can refinance at any bank for 5% to 7% interest rate".) **Meaning the loan of \$500,000 the first base of deed-fraud, led the second creditor (Shay Krausz aka SHK Sales) to offer a personal loan to pay off the first loan of \$500,000 on June 29, 2015 from the**

second loan of \$1,100,000; **with the guaranteed incentive** ("You will have at least \$200,000 left over from the closing of the loan in 14 days with a debtor \$5,000 check deposit as guarantee that the loan will be closed"). The loan of \$345,000 was also **paid from the second loan of \$1,100,000 on June 29, 2015**. The balance left from the loan was \$250,000. **The guaranteed \$200,000** left from the loan of \$1,100,000 was kept by the creditor (Shay Krausz aka SHK Sales; and Alan J Waintraub, Esq as Jemcap Funding LLC and Bradley Marsh as Jemcap Funding LLC). **The creditor forced a new loan for \$250,000** from the loan of \$1,100,00 by **withholding the \$250,000** as twelve (12) months prepaid interest and **then recharged the debtor (Florence F Smith) for a new loan \$250,000**. **Ballooning the loan of \$1,100,000 into a loan of \$1,350,000 on July 2, 2015.**

**When the loan of \$1,350,000** on July 2, 2015 could not be refinanced by any bank on May 15, 2016, the creditor ((Shay Krausz aka SHK Sales; and Alan J Waintraub, Esq as Jemcap Funding LLC and Bradley Marsh as Jemcap Funding LLC) **Pushed the loan interest rate** on the \$1,350,000 on May 15, 2016 to a loan a new loan of \$400,000. **Creating an expedited loan of \$400,000**. As a loan from \$1,100,000 now has a value of \$1,750,000 with prepaid interest. Where the principal loan of \$1,750,000 is due and payable on March 17, 2017. **The creditor (Shay Krausz aka SHK Sales; and Alan J Waintraub, Esq as Jemcap Funding LLC and Bradley Marsh as Jemcap Funding LLC) refused to take any form of payment** that did not offer a loan-repayment penalty. **Therefore, a loan forgiveness of 50% of the principal loan (\$1,100,000) under the Cares Act, Bankruptcy Scrutiny, and Criminal/ Civil Liability for loan eligibility is the only method of loan repayment that can be absorbed by the debtor (Florence F Smith).** With the intention that the **creditor (Shay Krausz aka SHK Sales; and Alan J Waintraub, Esq as Jemcap Funding LLC and Bradley Marsh as Jemcap Funding LLC) spoilage of tenancy and rental income of the debtor (Florence F Smith) will be addressed under the Fair Debt Collection Practice Act 1988;** as usage in the Small Business Administration under Cares Act of 2021 provide fast and direct economic assistance for American Workers; families and small businesses; and preserve jobs for American Industries.

**Foremost under 11 U.S. Code 1190 – Contents of plan,** the loan on May 8, 2015 for \$500,000; loan repaid on June 29, 2015 was not used primarily to acquire the real property; (b) the loan for \$1,100,00 agreed to on June 12, 2015 and closed on June 29, 2015 was not used primarily with the mall business. **Under Section 1123(5)(5) of this title 11.U.S. Code §1190** modify the rights of the holder of a claim secured only by security interest in real property, that is the principal residence of the debtor (Florence F Smith).

*Florence F Smith March 10, 2021*  
*Florence F Smith*

STATE OF NEW YORK  
 COUNTY OF KINGS  
 SIGNED BEFORE ME ON 3/10/2021  
*Florence Smith*

*[Signature]*  
 KAMAL P. SONI  
 Notary Public, State of New York  
 No. 01506089949  
 Qualified in Kings County  
 Commission Expires March 31, 2023

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Envelope 3  
Plan

# United States Bankruptcy Court Eastern District of New York

Drop box filer form (to be filled out and added to envelope):

Filer's Full Name: Florence F Smith

Address: 127 Montrose Ave, Brooklyn NY 11206

Phone Number: 718-919-5689

Email Address: FJSMITH@OPTONLINE.NET

If required, Related Case Number: 21-40578

Debtor(s) names: Florence F Smith



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